



SO ORDERED.

SIGNED this 13 day of September, 2023.

A handwritten signature in blue ink, reading "David M. Warren".

David M. Warren
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:
STEPHEN BRADLEY HALFERTY
Debtor

CASE NO. 22-00101-5-DMW
CHAPTER 13

EVER-SEAL, INC.
Plaintiff/Counter-Defendant
vs.
STEPHEN BRADLEY HALFERTY
Defendant/Counter-Plaintiff

ADVERSARY PROCEEDING NO.
22-00050-5-DMW

ORDER DENYING CROSS MOTIONS FOR SUMMARY JUDGMENT

This matter comes before the court upon the Motion for Partial Summary Judgment (“Motion”) filed by Ever-Seal, Inc. (“Plaintiff”) on April 21, 2023 and the Cross Motion for Summary Judgment (“Cross Motion”) filed by Stephen Bradley Halferty (“Defendant”) on May 22, 2023. The court conducted an initial hearing on May 30, 2023 and at that time continued the matter to allow the parties to negotiate and participate in a mediated settlement conference. The court resumed the hearing *sua sponte* at a Status Conference held on September 12, 2023. Kip D. Nelson, Esq. appeared for the Plaintiff, and Garrett L. Davis, Esq. appeared for the Defendant.

Despite contrary representations of the parties, the court does not believe that all material facts relevant to the Motion and Cross Motion are undisputed. Discovery is still ongoing, and the adversary proceeding is not ripe for summary judgment; now therefore,

It is ORDERED, ADJUDGED and DECREED that the Motion and the Cross Motion be, and hereby are denied.

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